REMARKS

Reconsideration of the application is requested.

Claims 1-15 are now in the application. Claims 1-15 are subject to examination. Claims 1-6, 8, 11, 13, and 15 have been amended. Claim 16 has been cancelled to facilitate prosecution of the instant application.

Under the heading "Priority" on page 2 of the above-identified Office Action, the Examiner acknowledged applicants' claim for priority under 35 U.S.C. § 119(e). The Examiner, however, stated that the claim for priority is invalid because the priority protection is now expired.

According to 35 U.S.C. 119(e)(1), an application for patent filed under section 111(a) or section 363 of this title for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in a provisional application filed under section 111(b) of this title, by an inventor or inventors named in the provisional application, shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under section 111(b) of this title, if the application for patent filed under section 111(a) or section 363 of this title is filed not later than 12 months after the date on which the provisional application was filed and if it contains or is amended to contain a specific reference to the provisional application.

Applicants respectfully point out that the present application was filed not later than 12 months after the date on which the provisional application was filed, and contains a specific reference to the provisional application. The claim for priority is valid.

Under the heading "Claim Rejections – 35 USC § 103" on page 3 of the above-identified Office Action, claims 1-16 have been rejected as being obvious over U.S. Patent Publication No. 2002/0049913 A1 to Lumme et al. under 35 U.S.C. § 103.

Claims 2-6, 8, 13, and 15 have been amended to refer to "the" portion of the database rather than "that" portion of the database. Support for the changes is inherent within the claims.

Claims 1 and 11 have been amended to better define the invention. Support for the changes to claims 1 and 11 can be found by referring to claim 16 and to the specification at page 10, lines 17-21, at page 5, lines 14-17, and at page 6, lines 6-25, for example.

Claim 1 now includes a step of: upgrading a portion of the database including upgradeable control data for controlling the switch by another entity outside the telecommunications service provider while preventing the entity outside the telecommunications service provider from decrypting the portion of the

database including the intercept related data without authorization from the telecommunications service provider.

Lumme et al. teach an interception system and a method for performing a lawful interception in a packet switched mobile network. First of all, a packet switched network differs substantially from a circuit switched network, such as that disclosed in the instant application. More importantly, however, Lumme et al. merely teach creating a secure tunnel to an interception authority, wherein the intercepted data is transferred using a secure data encryption. Thus, only the transfer of the intercept related data within the packet switched network is protected as a secure data transfer. However, Lumme et al. do not teach or suggest protecting this data during a maintenance process (e.g. software upgrade) by the vendor or producer of the network elements (mobile network). The vendors or producers of network elements always have the highest level of authorization for these network elements. In particular, Lumme et al. is silent concerning the maintenance (i.e. upgrade or debugging) of a database associated with a switch in which the database includes an encrypted portion for storing intercept related data and a non-encrypted portion for storing upgradable control data for controlling the switch.

Applicants believe it is clear that Lumme et al. do not teach or suggest the step of claim 1 that has been copied above.

In view of the foregoing discussion and with regard to claim 11, applicants believe it should also be clear that Lumme et al. does not teach the claimed apparatus for providing maintenance operations for a switch of a telecommunications service provider, while securing intercept related data collected by the telecommunications service provider.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 11. Claims 1 and 11 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1 or 11.

In view of the foregoing, reconsideration and allowance of claims 1-15 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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